Remarks:

The claims were rejected under 35 U.S.C. 103(a) in view of *Ellis, et. al.* (U.S. Patent No. 5,045,839). The claims have been amended to recite that the plurality of sensors are at fixed locations within the pilot house of the vessel. *Ellis* discloses a single sensor *worn by a user*. (*Ellis*, col. 6, ll. 22-34.) *Ellis* does not disclose, teach or suggest a plurality of sensors at *fixed* locations. Thus, in *Ellis*, the sensor itself must move with the user to avoid a condition of no-motion. In contrast, the present invention does not require motion of a sensor. Nor is the user required to where a sensor. Indeed, if the user were required to wear a sensor, as taught by *Ellis*, a condition of no motion might never be detected, even is no one is in the pilot house of the vessel. This would defeat the very purposes of the present invention. Thus, the claims are amended to more clearly recite that a condition of no motion relative to *fixed* sensors may trigger an alarm.

Further, claim 1 is amended to recite that an alarm will occur only if the throttle of the vessel is in a forward or reverse state. (See also, claims 13 and 23). In contrast, the alarm apparatus of Ellis is not conditioned upon the state of any machinery which the alarm-wearer controls. Thus, in Ellis, an alarm may sound if the user is not moving even if the state of nearby machinery renders such motion irrelevant. Ellis teaches away from the present invention because the alarm provided by Ellis is triggered solely by the non-motion of the wearer.

Further, claim 10 recites machine-accessible memory located on the vessel to store historical data corresponding to detection of conditions of no motion. (See specification, paragraph 1018, subdivision 5. referring to display of event history for several different alarms and conditions.) In contrast, it appears in Ellis that data is transmitted to a remote location where a history of the data may be stored. If sensor data and data relating to the sensor data (such as time of no-motion detection) had to be transmitted from the vessel to a remote location before a history of the data is stored, the present invention could be rendered impractical in many, if not most, installations. Advantageously, the present invention does not require a continuous wireless link from a location of a sensor to a remote location, as does the system of Ellis.

Further, claim 19 recites a mechanism in the pilot house to store and display a history of events. Thus, in the present invention, a history of events may be monitored "on-site." In contrast, in Ellis, data is transmitted to a remote site where a history of events may be stored. More precisely, the system of Ellis transmits events as they occur, rather than accumulating a history of events and then transmitting the history.

Further, new claims 21 and 22 have been added to further recite a tamper alarm to occur if tampering with a sensor is detected. (See specification, par. 1015.) Such tampering may include removing a sensor cover, unplugging a sensor, or otherwise interfering with the correct operation of the sensor. This is not taught or suggested by Ellis. Indeed, in Ellis, the sensor is designed to save the life of the individual wearer in a hazardous environment. The sensor-wearer has no motivation to disable the sensor because he knows the sensor could be the only thing that saves his life. In contrast, a person piloting a vessel may be motivated to disable the sensors in order to temporarily leave the pilot house undetected because he perceives little danger in doing so. Such a person might further be tempted to disable the sensors in order to come and go from the pilot house as he pleases. The present invention contemplates and prevents such ill-advised action. Indeed, the system in Ellis does not even provide for detecting the absence of a person from a space since, in Ellis, the sensor can be carried by the user wherever he goes. Thus, unlike the system of Ellis, the present invention is designed to keep someone in the pilot house.

Further, new claims 26 and 27 recite a timing mechanism for determining if a sensor is faulty. New claim 25 recites determining if a sensor detects no motion for an excessive length of time during which other sensors detect motion to determine if a sensor is faulty. Thus, the present invention can distinguish between a no-motion condition detected by a sensor and a faulty sensor.

Further, new claims 28 and 29 recite that historical data includes when a loss of power occurs.

Conclusion

For at least these reasons, Applicant believes the application is now in condition for allowance and respectfully requests the same.

Respectfully Submitted,

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